

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RONALD ALLEN BROWN,

Petitioner,

v.

Civil Action No. 3:05CV80  
Criminal Action No. 3:04CR41  
(JUDGE BAILEY)

UNITED STATES OF AMERICA,

Respondent.

**REPORT AND RECOMMENDATION THAT MOTION TO DISMISS  
WITHOUT PREJUDICE BE GRANTED**

On September 6, 2007, Petitioner requested his petition be dismissed without prejudice. I recommend the Motion to Dismiss be granted.

Any party who appears pro se and any counsel of record, as applicable, may, within ten (10) days from the date of this Report and Recommendation , file with the Clerk of the Court an original and two (2) copies of the written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation.

The Clerk of the Court is directed to provide a copy of this Report and Recommendation to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: September 11, 2007

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE